

AMENDED IN ASSEMBLY JUNE 9, 2003

SENATE BILL

No. 1072

**Introduced by Senator Burton
(Principal coauthor: Senator Johnson)
(Coauthors: Senators Brulte and Kuehl)**

March 13, 2003

An act to amend ~~Section 82036~~ *Sections 82027.5, 82036, and 84200.5* of the Government Code, relating to the Political Reform Act of 1974, and declaring the urgency thereof, to take effect immediately.

LEGISLATIVE COUNSEL'S DIGEST

SB 1072, as amended, Burton. Political Reform Act of 1974: late contributions.

The Political Reform Act of 1974 defines a late contribution as a contribution including a loan that aggregates \$1,000 or more to a candidate or a committee, as specified, before the election at which the candidate or measure is to be voted on but after the closing date of the last campaign statement required to be filed before the election.

This bill would, in addition, include within that definition a contribution including a loan that aggregates \$1,000 or more to a political party committee, *before the date of a state election, but after the closing date of the last campaign statement required to be filed before* ~~an~~ *the* election.

Existing law defines a "state general purpose committee" as a committee to support or oppose candidates or measures voted on in a state election, or in more than one county. It requires these committees to file applicable periodic campaign statements with the office of the Secretary of State, among other offices.

This bill would include a political party committee within the definition of a state general purpose committee, and would thereby require these committees to file applicable periodic campaign statements with the office of the Secretary of State.

Existing law requires a state general purpose committee formed pursuant to a specified provision of law to file specified preelection campaign statements if it makes contributions or independent expenditures in a statewide direct primary election totaling \$500 or more during the period covered by the preelection statement.

This bill would require a political party committee to file the applicable preelection campaign statements in connection with a state election if it receives contributions totaling \$1,000 or more, or makes contributions or independent expenditures totaling \$500 or more during the period covered by the preelection statement. It would make related changes.

Existing law makes a violation of the act subject to administrative, civil, and criminal penalties.

This bill would impose a state-mandated local program by imposing these penalties on persons who violate the provisions of this bill.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

The Political Reform Act of 1974, an initiative measure, provides that the Legislature may amend the act to further the act's purposes with a $\frac{2}{3}$ vote of each house and compliance with specified procedural requirements.

This bill, which would declare that it furthers the purposes of the Political Reform Act of 1974, would therefore require a $\frac{2}{3}$ vote.

The bill would declare that it is to take effect immediately as an urgency statute.

Vote: $\frac{2}{3}$. Appropriation: no. Fiscal committee: yes. State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. Section 82027.5 of the Government Code is
2 amended to read:



1 82027.5. (a) “General purpose committee” means all
2 committees pursuant to subdivisions (b) or (c) of Section 82013,
3 and any committee pursuant to subdivision (a) of Section 82013
4 which is formed or exists primarily to support or oppose more than
5 one candidate or ballot measure, except as provided in Section
6 82047.5.

7 (b) A “state general purpose committee” is a *political party*
8 *committee, as defined in Section 85205, or a committee to support*
9 *or oppose candidates or measures voted on in a state election, or*
10 *in more than one county.*

11 (c) A “county general purpose committee” is a committee to
12 support or oppose candidates or measures voted on in only one
13 county, or in more than one jurisdiction within one county.

14 (d) A “city general purpose committee” is a committee to
15 support or oppose candidates or measures voted on in only one
16 city.

17 *SEC. 2. Section 82036 of the Government Code is amended*
18 *to read:*

19 82036. “Late contribution” means any of the following:

20 (a) Any contribution including a loan that totals in the
21 aggregate one thousand dollars (\$1,000) or more that is made to
22 or received by a candidate, a controlled committee, or a committee
23 formed or existing primarily to support or oppose a candidate or
24 measure before the date of the election at which the candidate or
25 measure is to be voted on but after the closing date of the last
26 campaign statement required to be filed before the election.

27 (b) Any contribution including a loan that totals in the
28 aggregate one thousand dollars (\$1,000) or more that is made to
29 or received by a political party committee, *as defined in Section*
30 *85205, before the date of any state election, but after the closing*
31 *date of the last campaign statement required to be filed before an*
32 *the election.*

33 ~~SEC. 2.—~~

34 *SEC. 3. Section 84200.5 of the Government Code is amended*
35 *to read:*

36 84200.5. In addition to the campaign statements required by
37 Section 84200, elected officers, candidates, and committees shall
38 file preelection statements as follows:

39 (a) During an even-numbered year, all candidates for elective
40 state office being voted upon in the statewide direct primary

1 election or the statewide general election, their controlled
2 committees, and committees primarily formed to support or
3 oppose an elected state officer or a state candidate being voted
4 upon, shall file the applicable preelection statements specified in
5 Section 84200.7 or 84200.8. All elected state officers who, during
6 the applicable reporting periods covered by Section 84200.7 or
7 84200.8, contribute to any committee required to report receipts,
8 expenditures, or contributions pursuant to this title, or make an
9 independent expenditure, shall file the applicable preelection
10 statements specified in Section 84200.7 or 84200.8. However, a
11 candidate who is not being voted upon in the November election,
12 his or her controlled committee, and any committee primarily
13 formed to support or oppose that candidate is not required to file
14 statements in connection with the November election pursuant to
15 subdivision (b) of Section 84200.7, unless, during the reporting
16 periods covered by Section 84200.7, the candidate, his or her
17 controlled committee, or any committee primarily formed to
18 support or oppose that candidate contributes to any committee
19 required to report receipts, expenditures, or contributions pursuant
20 to this title or makes independent expenditures.

21 (b) During an even-numbered year, all candidates not specified
22 in subdivision (a) who are being voted upon on the first Tuesday
23 after the first Monday in June or November, their controlled
24 committees, and committees primarily formed to support or
25 oppose those candidates or a measure being voted upon on the first
26 Tuesday after the first Monday in June or November of an
27 even-numbered year shall file the preelection statements specified
28 in subdivision (a) of Section 84200.7 in the case of a June election,
29 or subdivision (b) of Section 84200.7 in the case of a November
30 election.

31 (c) All candidates being voted upon on a date other than the first
32 Tuesday after the first Monday in June or November of an
33 even-numbered year, their controlled committees, and committees
34 primarily formed to support or oppose a candidate or a measure
35 being voted upon on a date other than the first Tuesday after the
36 first Monday in June or November of an even-numbered year shall
37 file the preelection statements specified in Section 84200.8.

38 (d) In an even-numbered year in which the statewide direct
39 primary election is held on the first Tuesday after the first Monday
40 in June, a state or county general purpose committee formed

pursuant to subdivision (a) of Section 82013, *other than a political party committee as defined in Section 85205*, shall file the *preelection* statements specified in Section 84200.7 if it makes contributions or independent expenditures totaling five hundred dollars (\$500) or more during the period covered by the *preelection* statement. A state or county general purpose committee formed pursuant to subdivision (b) or (c) of Section 82013 is not required to file the statements specified in Section 84200.7.

(e) During an even-numbered year in which the *statewide* direct primary election is held on a date other than the first Tuesday after the first Monday in June, a state or county general purpose committee formed pursuant to subdivision (a) of Section 82013, *other than a political party committee as defined in Section 85205*, shall file the *preelection* statements specified in Section 84200.8 if it makes contributions or independent expenditures totaling five hundred dollars (\$500) or more during the period covered by the *preelection* statement. A state or county general purpose committee formed pursuant to subdivision (b) or (c) of Section 82013 is not required to file the statements specified in Section 84200.8.

(f) *A political party committee as defined in Section 85205 shall file the applicable preelection statements specified in Section 84200.7 or 84200.8 in connection with a state election if the committee receives contributions totaling one thousand dollars (\$1,000) or more, or it makes contributions or independent expenditures totalling five hundred dollars (\$500) or more during the period covered by the preelection statement.*

(g) City general purpose committees shall file statements as follows:

(1) City general purpose committees in a city which has an election on the first Tuesday after the first Monday in June or November of an even-numbered year shall file the statements specified in subdivision (a) or (b) of Section 84200.7 for the six-month period in which the city election is held, if they make contributions or independent expenditures totaling five hundred dollars (\$500) or more during the period covered by the *preelection* statement.

(2) City general purpose committees in a city which has an election on a date other than the first Tuesday after the first

1 Monday in June or November of an even-numbered year shall file
2 the preelection statements specified in Section 84200.8 if they
3 make contributions or independent expenditures totaling five
4 hundred dollars (\$500) or more during the period covered by the
5 preelection statement.

6 *SEC. 4.* No reimbursement is required by this act pursuant to
7 Section 6 of Article XIII B of the California Constitution because
8 the only costs that may be incurred by a local agency or school
9 district will be incurred because this act creates a new crime or
10 infraction, eliminates a crime or infraction, or changes the penalty
11 for a crime or infraction, within the meaning of Section 17556 of
12 the Government Code, or changes the definition of a crime within
13 the meaning of Section 6 of Article XIII B of the California
14 Constitution.

15 ~~*SEC. 3.*~~

16 *SEC. 5.* The Legislature finds and declares that the provisions
17 of this act further the purposes of the Political Reform Act of 1974
18 within the meaning of subdivision (a) of Section 81012 of the
19 Government Code.

20 ~~*SEC. 4.*~~

21 *SEC. 6.* This act is an urgency statute necessary for the
22 immediate preservation of the public peace, health, or safety
23 within the meaning of Article IV of the Constitution and shall go
24 into immediate effect. The facts constituting the necessity are:

25 In order to preserve the integrity of the state's political process
26 and ensure prompt disclosure of campaign contributions to voters
27 prior to election day, it is necessary that this act take effect
28 immediately.

